

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1027

Introduced by Senator Wyland

February 12, 2010

~~An act to amend Section 1603 of the Business and Professions Code, relating to dentistry. An act to amend Section 3000 of the Penal Code, relating to parole.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1027, as amended, Wyland. ~~Dentistry. Parole: sex offenders.~~

Existing law requires the Department of Corrections and Rehabilitation to release a prisoner on a specified period of parole after the expiration of a specified term of imprisonment. Existing law, as amended by Proposition 83 of the November 7, 2006, statewide general election, the Sexual Predator Punishment and Control Act: Jessica's Law, provides that in the case of sex offenders who have received a life sentence for the commission of certain sex offenses the period of parole shall be 10 years.

This bill would instead provide that in regard to these sex offenders, the period of parole shall be 15 years.

~~Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California. Existing law requires the Governor, the Senate Committee on Rules, and the Speaker of the Assembly to appoint members to the board, as specified. Existing law requires that members be appointed for 4-year terms and prohibits members from serving more than 2 terms.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3000 of the Penal Code is amended to
2 read:

3 3000. (a) (1) The Legislature finds and declares that the period
4 immediately following incarceration is critical to successful
5 reintegration of the offender into society and to positive citizenship.
6 It is in the interest of public safety for the state to provide for the
7 effective supervision of and surveillance of parolees, including
8 the judicious use of revocation actions, and to provide educational,
9 vocational, family and personal counseling necessary to assist
10 parolees in the transition between imprisonment and discharge. A
11 sentence pursuant to Section 1168 or 1170 shall include a period
12 of parole, unless waived, or as otherwise provided in this article.

13 (2) The Legislature finds and declares that it is not the intent of
14 this section to diminish resources allocated to the Department of
15 Corrections and Rehabilitation for parole functions for which the
16 department is responsible. It is also not the intent of this section
17 to diminish the resources allocated to the Board of Parole Hearings
18 to execute its duties with respect to parole functions for which the
19 board is responsible.

20 (3) The Legislature finds and declares that diligent effort must
21 be made to ensure that parolees are held accountable for their
22 criminal behavior, including, but not limited to, the satisfaction of
23 restitution fines and orders.

24 (4) The parole period of any person found to be a sexually
25 violent predator shall be tolled until that person is found to no
26 longer be a sexually violent predator, at which time the period of
27 parole, or any remaining portion thereof, shall begin to run.

28 (b) Notwithstanding any provision to the contrary in Article 3
29 (commencing with Section 3040) of this chapter, the following
30 shall apply:

31 (1) At the expiration of a term of imprisonment of one year and
32 one day, or a term of imprisonment imposed pursuant to Section
33 1170 or at the expiration of a term reduced pursuant to Section
34 2931 or 2933, if applicable, the inmate shall be released on parole
35 for a period not exceeding three years, except that any inmate

1 sentenced for an offense specified in paragraph (3), (4), (5), (6),
2 (11), (16), or (18) of subdivision (c) of Section 667.5 shall be
3 released on parole for a period not exceeding five years, unless in
4 either case the parole authority for good cause waives parole and
5 discharges the inmate from the custody of the department.

6 (2) In the case of any inmate sentenced under Section 1168, the
7 period of parole shall not exceed five years in the case of an inmate
8 imprisoned for any offense other than first or second degree murder
9 for which the inmate has received a life sentence, and shall not
10 exceed three years in the case of any other inmate, unless in either
11 case the parole authority for good cause waives parole and
12 discharges the inmate from custody of the department. This
13 subdivision shall also be applicable to inmates who committed
14 crimes prior to July 1, 1977, to the extent specified in Section
15 1170.2.

16 (3) Notwithstanding paragraphs (1) and (2), in the case of any
17 offense for which the inmate has received a life sentence pursuant
18 to Section 667.61 or 667.71, the period of parole shall be ~~10~~ 15
19 years.

20 (4) The parole authority shall consider the request of any inmate
21 regarding the length of his or her parole and the conditions thereof.

22 (5) Upon successful completion of parole, or at the end of the
23 maximum statutory period of parole specified for the inmate under
24 paragraph (1), (2), or (3), as the case may be, whichever is earlier,
25 the inmate shall be discharged from custody. The date of the
26 maximum statutory period of parole under this subdivision and
27 paragraphs (1), (2), and (3) shall be computed from the date of
28 initial parole and shall be a period chronologically determined.
29 Time during which parole is suspended because the prisoner has
30 absconded or has been returned to custody as a parole violator
31 shall not be credited toward any period of parole unless the prisoner
32 is found not guilty of the parole violation. However, the period of
33 parole is subject to the following:

34 (A) Except as provided in Section 3064, in no case may a
35 prisoner subject to three years on parole be retained under parole
36 supervision or in custody for a period longer than four years from
37 the date of his or her initial parole.

38 (B) Except as provided in Section 3064, in no case may a
39 prisoner subject to five years on parole be retained under parole

1 supervision or in custody for a period longer than seven years from
2 the date of his or her initial parole.

3 (C) Except as provided in Section 3064, in no case may a
4 prisoner subject to 10 years on parole be retained under parole
5 supervision or in custody for a period longer than 15 years from
6 the date of his or her initial parole.

7 (6) The Department of Corrections and Rehabilitation shall meet
8 with each inmate at least 30 days prior to his or her good time
9 release date and shall provide, under guidelines specified by the
10 parole authority, the conditions of parole and the length of parole
11 up to the maximum period of time provided by law. The inmate
12 has the right to reconsideration of the length of parole and
13 conditions thereof by the parole authority. The Department of
14 Corrections and Rehabilitation or the Board of Parole Hearings
15 may impose as a condition of parole that a prisoner make payments
16 on the prisoner's outstanding restitution fines or orders imposed
17 pursuant to subdivision (a) or (c) of Section 13967 of the
18 Government Code, as operative prior to September 28, 1994, or
19 subdivision (b) or (f) of Section 1202.4.

20 (7) For purposes of this chapter, the Board of Parole Hearings
21 shall be considered the parole authority.

22 (8) The sole authority to issue warrants for the return to actual
23 custody of any state prisoner released on parole rests with the
24 Board of Parole Hearings, except for any escaped state prisoner
25 or any state prisoner released prior to his or her scheduled release
26 date who should be returned to custody, and Section 3060 shall
27 apply.

28 (9) It is the intent of the Legislature that efforts be made with
29 respect to persons who are subject to Section 290.011 who are on
30 parole to engage them in treatment.

31 ~~SECTION 1. Section 1603 of the Business and Professions~~
32 ~~Code is amended to read:~~

33 ~~1603. (a) Except for the initial appointments, members of the~~
34 ~~board shall be appointed for a term of four years, and each member~~
35 ~~shall hold office until the appointment and qualification of his or~~
36 ~~her successor or until one year shall have elapsed since the~~
37 ~~expiration of the term for which he or she was appointed,~~
38 ~~whichever first occurs.~~

39 ~~(b) A vacancy occurring during a term shall be filled by~~
40 ~~appointment for the unexpired term, within 30 days after it occurs.~~

1 ~~(e) No person shall serve as a member of the board for more~~
2 ~~than two terms.~~

3 ~~(d) The Governor shall appoint two of the public members, the~~
4 ~~dental hygienist member, the dental assistant member, and the~~
5 ~~eight licensed dentist members of the board. The Senate Committee~~
6 ~~on Rules and the Speaker of the Assembly shall each appoint a~~
7 ~~public member.~~

8 ~~(e) Of the initial appointments, one of the dentist members and~~
9 ~~one of the public members appointed by the Governor shall serve~~
10 ~~for a term of one year. Two of the dentist members appointed by~~
11 ~~the Governor shall each serve for a term of two years. One of the~~
12 ~~public members and two of the dentist members appointed by the~~
13 ~~Governor shall each serve a term of three years. The dental~~
14 ~~hygienist member, the dental assistant member, and the remaining~~
15 ~~three dentists members appointed by the Governor shall each serve~~
16 ~~for a term of four years. The public members appointed by the~~
17 ~~Senate Committee on Rules and the Speaker of the Assembly shall~~
18 ~~each serve for a term of four years.~~